

Federal Communications Commission

DA 02-3382

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations.
(Christiansted, Virgin Islands)

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MB Docket No. 02-220
RM-10518

REPORT AND ORDER
(Proceeding Terminated)

Adopted: December 6, 2002

Released: December 13, 2002

By the Chief, Video Division:

1. At the request of Virgin Blue, Inc. ("Virgin Blue"), licensee of station WCVI-TV, Chnstiansted, Virgin Islands, the Commission has before it the Notice of Proposed Rule Making, 17 FCC Rcd 15431 (2002), proposing the substitution of DTV channel 23 for station WCVI's assigned DTV channel 5. Virgin Blue filed comments restating its intention to apply for DTV channel 23, if allotted. No other comments were filed.

2. We believe the public interest would be served by substituting DTV channel 23 for DTV channel 5 since it would reduce Virgin Blue's antenna and tower rent, while eliminating interference to stations WFIG-LP and W05AW, a low power translator for noncommercial station WTJX. DTV channel 23 can be allotted to Christiansted, Virgin Islands, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 17-44-40 W. and 64-43-40 N. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station WCVI-DT with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
VI Christiansted	23	0.85	130	48

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective January 27, 2003, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Christiansted, Virgin Islands	20, 23

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Virgin Blue, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 23 in lieu of DTV Channel 5 for station WCVI-DT.

5. IT **IS** FURTHER ORDERED, That this proceeding **IS** TERMINATED.

6. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau